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THE FIRST HOUSE OF BURGESSES.

BY KATE LANGLEY BOSHER.

EACH century, as each generation, has its formative years, its periods of problems, its times for action which is not uncertain; but perhaps no year in American history is more significant in impulse or suggestive in operation than the year 1619, when the first legislative Assembly in America was held at Jamestown, Virginia.

To understand even in part what such an Assembly represented one should recall the experiences of the Colonists during the twelve years preceding it, years of unbelievable hardships, of death by fever and pestilence, by Indian treachery, by cold and starvation; years full of misrule, of cruel disregard of human life and of selfish unconcern on the part of those in authority. From even a glance over the pages of such times the marvel grows that the colony survived to tell the story of its stupendous struggle against odds too terrible to be realized to-day. Owing to a fortunate discovery by Bancroft, the historian, of certain old chronicles in the London Record Office, and by the aid of the record of the proceedings of this first legislative Assembly kept by John Pory, its Speaker, some insight is gained into the conditions existing during these first twelve years. From these documents much light has been thrown upon a period of history peculiarly powerful in purpose and far-reaching in results; and from them can be obtained some idea of the debt Democracy owes to the initial movement in that direction made by the early fathers in their efforts to secure local self-government and to inaugurate the principle of the representation of the people by the people.

In this "Briefe Declaration of the Plantation of Virginia During the first twelve years when Sir Thomas Smith was Governor

of the Companie and down to the present time by the Ancient Planters now remaininge alive in Virginia, 1624," we learn something of how so hazardous an undertaking as the establishment of that colony was advertised, and while in matters of material progress the London Company who organized the expeditions to America was centuries behind the present day, in clever phrasing and alluring promises, it was the peer of the most modern promoters.

"Whereas in the beginninge of Sir Thomas Smith's twelve years' government it was published in printe throughout the Kingdom of Englande that a Plantation should be settled in Virginia for the glorie of God in the propogation of the Gospell of Christ, the conversion of the Savages, to the honour of his Majesty by the enlargeinge of his territories and future enrichinge of his kingdom, for which respects many noble and well-minded persons were induced to adventure great sums of money to the advancement of soe pious and noble a work, who have from the very first been frustrate of their expectation, as we conceive, by the misgovernment of Sir Thomas Smith's aiminge at nothing more than a perticular gaine, to be raised out of the labours of such as both voluntarie adventured themselves or were otherwise sent over at the common charge. This will clearly appeare in the examination of the first expedition and several supplies in the tyme of his government."

So reads the old chronicle, explaining in part how the colonization was first exploited, but owing to their ignorance of the true condition of affairs during these first twelve years those colonists who followed the earlier expeditions were unprepared for what awaited them; and that they did not return to England was due to conditions that prevented them rather than to any desire to remain.

Letters from these first settlers to their friends at home were also, for a while, intercepted by direction of Sir Thomas Smith, who ordered that "all men's letters should be searched at the goinge away of ships, and if in any of them were found that the estate of the Collony was declared they were presented to the Governor and the indighters of them severely punished, by which means noe man durst make any true relation to his friends of his own or the Collony's true estate, neither was it permitted any one to have pass to go home, but by force were kept heere and employed as we have saide." In 1619 relief came, however, in the return of Sir George Yeardley, bringing certain commissions and instructions from the Company,

"for the better establishing of a Commonwealth heere wherein order was taken for the removinge of all those grievances which formerly were suffered &&, and farther that free liberty was given to all men to make choice of their dividents of land, and as their abilities and means would permit to possesse and plant upon them. And that they might have a hand in the governinge of themselves it was granted that a general Assemblie should be held yearly once whereat were to be present the Governor and Councill with two Burgesses from each plantation freely to be elected by the inhabitants thereof—this Assemblie to have power to make and ordaine whatsoever laws and orders should by them be thought good and profitable for our subsistance."

The issuance of such orders was pregnant with possibilities beyond the vision of those who created them or of those who promptly put them into execution, and they knew not that the future prosperity of the country, at whose birth they had been present, together with its hope and happiness, would be but the outgrowth of the principle of the right of the people to govern themselves, a right exercised through their chosen representatives. And in the institution of the House of Burgesses by the Jamestown Colonists this idea found expression some seventeen months before the Pilgrims set foot ashore at Plymouth and makes the year a potent one in American history.

This first legislative body of Englishmen in America was called together in the wooden church at Jamestown on the 30th of July, 1619, and as each of the eleven local constituencies, under the various designations of city, plantation and hundred, sent two representatives called Burgesses, the Assembly was called the House of Burgesses and continued to be so called from 1619 until 1776. In addition to the Burgesses proper there was also the Council, the members of which, with the Governor, constituted, together with the Burgesses, a General Assembly essentially similar to the old English county court and to the two legislative bodies of a large part of the world of to-day.

Its first meeting, as has been said, was held in the Episcopal Church, a wooden building sixty feet long and twenty-four feet wide, the session lasting from July 30th through August 4th. A green velvet chair was placed in the choir, in which the Governor sat, and on the morning in which he took his seat in it pomp and ceremony were not lacking. Accompanied by the Councillors and officers of the Colony, with a guard of Halberdiers dressed in the Governor's livery, he went in state to the

church, and behind his attendants walked the twenty-two newly elected Burgesses. It is stated that Governor Yeardley had caused the building to be "kept passing sweet and trimmed up with divers flowers," the Virginian flowers of trumpet-creeper and white honeysuckle, and clematis and sweetbriar, and swamp-roses and lilies, and here, after the Governor and the Secretary, later appointed Speaker, and the Clerk and Sergeant, together with the Council of Estate and the Burgesses had been properly arranged, prayer was said by Mr. Burke, after which every man "took the oath of Supremacy and then entered the Assembly."

The personnel of this body is not without interest. In a valuable paper prepared some time ago for the Virginian Historical Society by Mr. William Wirt Henry, of Virginia, he tells us something of those who composed it, and it is interesting to note that as a rule the character of its members justified their assumption of official duties, and that they played well their part is evidenced by the permanent hold their principles took upon the future political life of the nation.

Of those who took part in the deliberations of this body was, first, the Governor, Sir George Yeardley, the cousin to the step-father of John Harvard, the founder of Harvard College; while among the Councillors were Captain Francis West, the son of Sir Thomas West, the second Lord De La Warr, a direct descendant of William the Conqueror; Captain Nathaniel Powell, a man of culture who kept an account of occurrences in the Colony which were freely used by Captain Smith in his "History of Virginia"; John Rolfe who married the Princess Pocahontas; the Rev. William Wickham, a man of prominent family who added the dignity of the clergy to the Assembly; Captain Samuel Maycock, a Cambridge scholar and a gentleman of "birth, virtue and industry"; John Pory, Secretary of the Colony, who sat as its Speaker, also an accomplished scholar and great traveller. Educated at Cambridge, he had served in Parliament and was able to give order to their proceedings; while John Twine, Clerk and Thomas Pierce, Sergeant, are names well known to students of English jurisprudence, each being actors in a famous litigation suit.

Among the Burgesses were Captain William Powell and Ensign William Spence, sitting for James City, while the representatives of Charles City were Samuel Sharp and Samuel Jordon.

Thomas Dowse and John Polentine represented the City of Henricus, located at what is now Dutch Gap, and for Kiccowtan, afterwards called Hampton, Captain William Tucker and William Capps sat, the one a merchant and trader, the other an ancient planter. From Smythe's Hundred came Captain Thomas Graves, and Mr. Walter Shelly, concerning whom a brief entry was made in the Journal to the effect "that on Sunday, August 1st, Mr. Shelly, one of the Burgesses deceased."

The representatives for Martin's Hundred were John Boys and John Jackson, while Captain Pawlett and Mr. Gourgaing represented Argall's Guifte. (In 1637 Captain Pawlett owned Westover, which he left to his brother, Lord Pawlett.) Flower dieu Hundred was represented by Ensign Rosingham, a nephew of the Governor, and Mr. Jefferson, with whom Thomas Jefferson claimed relationship. Captain Christopher Lawne and Ensign Washer represented Captain Lawne's Plantation, afterwards known as the Isle of Wight Plantation, while Captain Warde's Plantation, only commenced in 1618, was represented by Captain Warde and Lieutenant Gibbs. Thomas Davis and Robert Stacy, who had been sent from Captain John Martin's Plantation, were excluded from the Assembly. The Rev. Richard Bucke, the officiating minister, was educated at Oxford and was a learned and able divine, a great friend of John Rolfe, whose marriage ceremony to the Princess Pocahontas he performed.

From the above list it can be seen that this first legislative Assembly was small in number, but its purposes were large and uncompromising, and though after a session of only five days it adjourned, "Being constrained by the intemperature of the weather and the falling sick of diverse of the Burgesses to break up so abruptly—before they had so much as putt their lawes to engrossing—this they wholly committed to the fidelity of their Speaker," they nevertheless in those five days accomplished much.

Just conceptions of their right as a new Assembly were recognized promptly, and in the exercise of them they excluded the delegates sent from Captain John Martin's Plantation because by the provisions of his patent he appeared to be exempt from the general form of government which had been given the Colony.

The roll thus having been purged, the Assembly proceeded to business, and among its acts are many that indicate its temper and character. Various petitions were ordered sent to the Virginia

Company in London, petitions wisely framed in view of the needs of the Colony, among them being one that "towards the erecting of the university and college they shall sende when they shall think it most convenient workmen of all sortes fit for that purpose," thus showing their desire to establish at once an institution where the youth of the Colony could be properly educated.

After discussion of the great "Charter of Lawes, Orders and Privileges" had been concluded, "debating of such instructions given by the Counsell in Englande to several Governor's as might be converted into lawes" was next entered into with the result that the value of tobacco, to be taken either for commodities or for bills, was fixed. Laws were passed against drunkenness and excess in apparel, and also concerning intercourse with the Indians, and relative to educating and Christianizing them; laws relating to the planting of mulberry-trees, silk-flax, hemp and grape-vines; to the regulation of contracts with tradespeople, tenants and servants, and to many other things. Ministers were required to conduct worship according to the laws and orders of the Church of England, and to catechize every Sunday afternoon those not yet ripe to come to the communion. All persons were required to attend divine service on the Sabbath day, the men to come with their firearms, and every male above sixteen was compelled to contribute one pound of tobacco to the Speaker, Clerk and Sergeant. At the conclusion of the session several petitions were offered to the London Company, the last two of which are in the following words:

"Thirdly, the General Assembly doth humbly beseech the said Treasurer, Councill and Company that albeit it belongeth to them onely to allowe or to abrogate any lawes which we shall here make, and that it is their right so to doe, yet that it would please them not to take it in ill parte if these lawes which we have nowe brought to light do pass current and be of force till such time as we may know their farther pleasure out of Englande in, for otherwise this people (who nowe at length have gotten the raines of former servitude into their own swindge) would in short time grow so insolent as they would shake off all government and there would be noe living among them. Their last humble suite is that the said Counsell and Company would be pleased so soon as they shall find it convenient to make good their promise sett down at the conclusion of their Commission for Establishing the Counsell of Estate and the General Assembly, namely that they will give us power to allowe or disallowe of their orders of courts as his Majesty hath given them power to allowe or reject our lawes."

This last petition was most significant and full of vital possibilities, being a long step forward in the direction of local self-government; and the promise of such powers by the London Company indicates to what extent the spirit of liberty was nourished by the latter.

Compared with succeeding legislative bodies this first Assembly appears simple in organization and lacking in many of the characteristics that make modern political institutions questionable concerning their representation of the will of the many as opposed to the interests of the few, but it deserves to be memorialized as the beginning of the time when chance was given to all men to express their will concerning those who represented them in matters of government; and the nation owes a debt of gratitude for the stand Virginia took at her first Assembly, a stand which insisted clearly on the equality of her citizens before the law, a principle later inserted in her Declaration of the Bill of Rights in 1776 when she became a State.

Beyond the dream of seer or prophet the little settlement on the banks of the James has grown into the richest and most powerful nation on the earth, but its strength lies not so much in the accumulation of wealth, the development of resources, or the acquisition of learning as in the recognition of those principles to which the early fathers gave expression; and when, as a nation, she repudiates them her star will set, and death will follow where before was life.

KATE LANGLEY BOSHER.